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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR

Honorable Yvonne Gonzalez Rogers

~~[PROPOSED]~~ **USER DATA CONSENT  
ORDER**

The parties, through their undersigned counsel, hereby stipulate and respectfully request that the Court enter this User Data Consent Order to govern production of User Data by Defendants in personal injury cases coordinated in this MDL. The parties declare in support of this request:

1. Personal injury Plaintiffs in this MDL bring claims related to their use of Defendants' platforms (Facebook, Instagram, Snapchat, TikTok, and YouTube).
2. Personal injury Plaintiffs have requested and expect to further request production of various categories of user-specific data, including the contents of accounts that Plaintiffs identify and confirm belong to them.
3. The Court has previously ordered a process by which personal injury Plaintiffs submit to each Defendant a Plaintiff User Account Preservation Form that contains identifying information that the Defendant may use to assist in efforts to identify and preserve a Plaintiff's User Accounts; the Defendant in turn submits to Plaintiff a User Account Identification Form containing certain basic subscriber information about user accounts that the Defendant has reason to believe are or were registered to the Plaintiff based on the Defendant's reasonable investigation in this action; then, personal injury Plaintiffs submit a signed Plaintiff User Account Confirmation and Consent Form that confirms whether the User Accounts identified

1 by the Defendant in the User Account Identification Form are registered to the personal injury  
2 Plaintiff. *See* User Account Information Order, Dkt. No. 616 (January 29, 2024).

- 3 4. Defendants submit that they are providers subject to the Stored Communications Act, 18  
4 U.S.C. §§ 2701, et seq., and as such are not permitted to knowingly divulge the contents of  
5 users' communications except under the circumstances enumerated in 18 U.S.C. § 2702(b),  
6 including where the provider has obtained "the lawful consent of the originator or an  
7 addressee or intended recipient of such communication." 18 U.S.C. § 2702(b)(3).  
8
- 9 5. Whether the Stored Communication Act applies to the instant proceedings is a disputed issue  
10 that this Order does not address.
- 11 6. To the extent the Stored Communications Act applies, Defendants' production of certain of  
12 the user-specific data described above would require Defendants to divulge the contents of  
13 users' communications.  
14
- 15 7. The Court hereby FINDS that by filing litigation against Defendants related to personal injury  
16 Plaintiffs' use of Defendants' platforms, and by identifying user accounts through the process  
17 described in Paragraph 3 of this Order, personal injury Plaintiffs have lawfully consented to  
18 disclosure of their communications relating to litigation of this proceeding, including but not  
19 limited to disclosure to Plaintiffs' counsel, Plaintiffs' co-lead counsel and their designee,  
20 Defendants, Defendants' counsel, and the court.  
21
- 22 8. For purposes of this Order, the word "Defendants" means only the Defendants named in the  
23 case brought by the plaintiff user or person suing on the user's behalf. Any intentional  
24 disclosure to a Defendant in the MDL or that Defendant's counsel who is not named in the  
25 case brought by the plaintiff user or person suing on the user's behalf is beyond the scope of  
26 this Order.  
27  
28

1 9. Defendants' disclosure of user data relating to the personal injury Plaintiffs in this case is a  
2 disclosure compelled by this Order, on which Defendants rely in good faith.

3 10. In the event a Defendant produces user data, and a Defendant, the receiving Plaintiff, or their  
4 respective counsel subsequently determines the account was mistakenly believed to be and/or  
5 confirmed as having been registered to the Plaintiff, within two business days: (a) counsel  
6 shall notify the respective Defendant's or Plaintiff's counsel and identify the specific account  
7 at issue; and, within five business days, (b) the receiving Plaintiff shall permanently delete all  
8 copies of user data relating to such account in the possession of Plaintiff and their counsel,  
9 including materials derived therefrom, and direct any third party to whom they have provided  
10 the information to do the same. This Order is not intended to, and does not, resolve any  
11 party's objection to production, relevance, authenticity, or admissibility of user data requested  
12 or produced in this matter, except as explicitly set forth herein. The parties reserve all such  
13 objections.  
14  
15

16 **IT IS SO ORDERED** that the foregoing Stipulation is approved.  
17

18  
19 Dated: **July 15, 2024**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE

1 Dated: July 12, 2024

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**ATTESTATIONS**

I, Stephanie Schuster, hereby attest, pursuant to N.D. Cal Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: July 12, 2024

/s/ Stephanie Schuster

Stephanie Schuster